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IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Michael P. Caren and Douglas A. Amorese

Serial No.: 10/722,228

Examiner:

Filing Date: Nov. 25, 2003

Group Art Unit:

Title: METHODS AND APPARATUS FOR ANALYZING ARRAYS

COMMISSIONER FOR PATENTS

PO Box 1450

Alexandria, VA 22313-1450

TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT

Sir:

Transmitted herewith is/are the following in the above-identified application:

- (X) Response/Amendment () Petition to extend time to respond
() New fee as calculated below () Supplemental Declaration
() No additional fee (Address envelope to "Mail stop Non-Fee Amendments")
(X) Other: Part 2-Notice to File Corrected Application Paper (fee \$)

CLAIMS AS AMENDED BY OTHER THAN A SMALL ENTITY						
(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT	(3) NUMBER EXTRA	(4) HIGHEST NUMBER PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEES
TOTAL CLAIMS		MINUS		= 0	X \$18	\$ 0
INDEP. CLAIMS		MINUS		= 0	X \$88	\$ 0
[] FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM					+ \$300	\$ 0
EXTENSION FEE	1ST MONTH \$110.00	2ND MONTH \$430.00	3RD MONTH \$980.00	4TH MONTH \$1530.00		\$ 0
OTHER FEES						\$
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$ 0

Charge \$ 0 to Deposit Account 50-1078. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 50-1078 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 50-1078 under 37 CFR 1.16, 1.17, 1.19, 1.20 and 1.21. A duplicate copy of this sheet is enclosed.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

Date of Deposit: Nov. 23, 2004

Typed Name: Theodore J. Leitereg

Signature: Theodore J. Leitereg

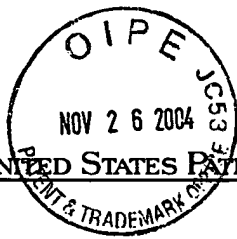
Respectfully submitted,

Michael P. Caren and Douglas A.

By Theodore J. Leitereg
Theodore J. Leitereg

Attorney/Agent for Applicant(s)
Reg. No. 28,319

Date: Nov. 23, 2004



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/722,228	11/25/2003	Michael P. Caren	10021301-1

AGILENT TECHNOLOGIES, INC.
 Legal Department, DL429
 Intellectual Property Administration
 P.O. Box 7599
 Loveland, CO 80537-0599

CONFIRMATION NO. 6698

FORMALITIES LETTER



OC000000014070503

Date Mailed: 10/13/2004

NOTICE TO FILE CORRECTED APPLICATION PAPERS

Filing Date Granted

An application number and filing date have been accorded to this application. The application is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given TWO MONTHS from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
 - The drawings must be reasonably free from erasures and must be free from alterations, overwriting, interlineations, folds, and copy marks. See Figure(s) 1-3.
- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600

- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

N. Mohammed

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

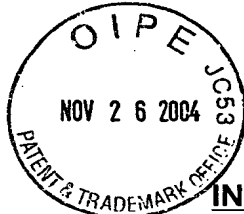
CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450, on November 23, 2004.

Signature Theodore J. Leitner

Date 11/23/04

Name: Theodore J. Leitner



PATENTS

Attorney Docket No. 10021301-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Michael P. Caren, *et al.*

Serial No.: 10/722,228

Group Art Unit: Not known

Filed: November 25, 2003

Examiner: Not known

Title: METHODS AND APPARATUS FOR ANALYZING ARRAYS

MS Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Response to Notice to File Corrected Application Papers

This is responsive to the Notice to File Corrected Application Papers dated October 13, 2004 (the "Notice") in the above-identified patent application. Applicant addresses below the items mentioned in the Notice in the order presented.

1. Applicant is submitting herewith Formal Drawings to be substituted for the informal drawings filed with the application. Applicant believes that the Formal Drawings render moot the informality raised in the Notice relating to the drawings filed with the above-identified application.

2. The Notice also contends that the application clearly fails to comply with the requirements of 37 C.F.R. §§1.821-1.825, which relate to application disclosures containing nucleotide and/or amino acid sequences. However, 37 C.F.R. §1.821(a) defines the term "nucleotide" to which the above sections of the C.F.R. apply as follows: "Nucleotide and/or amino acid sequences as used in §§1.821 through 1.825

are interpreted to mean an unbranched sequence of four or more amino acids or an unbranched sequence of ten or more nucleotides."

The specification of the present application itself does not contain any nucleotide or amino acid sequences. Fig. 2 of the drawings does depict nucleotides. However, none of the nucleotides depicted are in a sequence of 10 or more nucleotides. Therefore, the nucleotides depicted in Fig. 2 do not meet the definition of nucleotide sequence as set forth in 37 C.F.R. §1.821(a). For example, three groups of nucleotides are shown in 18a of Fig. 2. Each group of nucleotides has a sequence "TG" connected to a sequence "CGTT." As can be seen, the first sequence contains two nucleotides and the second sequence contains four nucleotides. Even the connected sequences have less than 10 nucleotides in total.

Accordingly, none of the nucleotide sequences fall within the definition of nucleotide sequences of 37 C.F.R. §§1.821 through 1.825 and, therefore, no sequence listing is required in the above-identified application.

Respectfully submitted,



Theodore J. Leitereg
Attorney for Applicant
Reg. No. 28,319

Agilent Technologies, Inc.
Legal Department, M/S DL429
Intellectual Property Administration
P.O. Box 7599
Loveland, CO 80537-0599

Enclosure: Part 2 of Notice to File Corrected Application Papers

AGILENT TECHNOLOGIES, INC.
Legal Department, DL429
Intellectual Property Administration
P. O. Box 7599
Loveland, Colorado 80537-0599

PATENT APPLICATION

ATTORNEY DOCKET NO. 10021301-1



IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Michael P. Caren and Douglas A. Amorese

Serial No.: 10/722,228

Examiner:

Filing Date: Nov. 25, 2003

Group Art Unit:

Title: METHODS AND APPARATUS FOR ANALYZING ARRAYS

OFFICIAL DRAFTSPERSON
Drawing Processing Branch
PO Box 1450
Alexandria, VA 22313-1450

DRAWING TRANSMITTAL LETTER

Sir:

Enclosed herewith please find:

- () _____ sheets of redlined drawing(s) which indicate proposed changes to the drawing(s). Upon approval of these proposed changes, formal drawing(s) will be submitted.
- () _____ sheets of corrected formal drawing(s), as required by the Notice of Patent Drawings Objection (PTO-948) which accompanied the Office Action dated _____.
- () _____ sheets of corrected formal drawing(s), as required by the Notice of Patent Drawings Objection (PTO-948) and approved in the Notice of Allowability dated _____.
- (X) 2 sheets of formal drawing(s). Please substitute these formal drawing(s) for the informal drawing(s) originally filed.
- () _____

Examiner's approval of the entry of these drawings is respectfully requested. No new matter has been added.

Respectfully submitted,

Michael P. Caren and Douglas A.

By Theodore J. Leitereg
Theodore J. Leitereg

Attorney/Agent for Applicant(s)
Reg. No. 28,319

Date: Nov. 23, 2004

Telephone No.: (650) 485-5999

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